

EXHIBIT 5

From: Waleed Nassar <Waleed.Nassar@LBKMLAW.com>

Sent: Tuesday, March 23, 2021 1:39 PM

To: Haefele, Robert <rhaefele@motleyrice.com>; Andrew J. Maloney <AMaloney@kreindler.com>; Aisha Bembry <Aisha.Bembry@LBKMLAW.com>

Cc: Carter, Sean <scarter1@cozen.com>; Tarbutton, Scott <starbutton@cozen.com>; Flowers, Jodi

<jflowers@motleyrice.com>; Goldman, Jerry S. <Jgoldman@andersonkill.com>; Alan Kabat <kabat@bernabeipllc.com>

Subject: Re: EXTERNAL-RE: MDL 1570 - Meeting re: March 11 Order as to Dr. Naseef

Robert,

As you know, the Court has directed that we submit (either jointly or, if the parties disagree, by separate letter) a proposal outlining how this litigation should proceed with respect to Dr. Abdullah Naseef. We wrote to the PECs by email on March 19, requesting a meet and confer to discuss the Court's request. In response, you stated that you are "assuming that [we] have some proposal in mind" for the PECs to consider and, "rather than getting on a call," you asked that we "reduce [our] proposal to an email" for your side to see and discuss before we meet and confer. While we would have preferred an open dialogue with the PECs in the first instance, given your apparent refusal to speak to us before receiving a written proposal and the limited time remaining before the Court's deadline for the submission(s), we write to provide our proposal for your consideration and prompt response.

To begin, we provide a short summary of information we provided previously about Dr. Naseef's medical condition as well as some additional details concerning his current condition that we recently obtained from his son. Dr. Naseef is 82 years old and suffers from many chronic conditions that he has developed over the past 10 or so years. More specifically, he has suffered from multiple heart conditions and a stroke, was diagnosed with and treated for prostate cancer, and then was diagnosed with Parkinson's disease, which affects his memory, concentration speech and mobility. At present, Dr. Naseef breathes through a trach and feeds through a feeding tube. He is unable to move on his own and rarely speaks. Due to his low immunity, he develops infections frequently, and is constantly going to the hospital for treatment of those infections. When he is at home, he is bedridden and has round-the-clock in-home nursing care. As you are aware, in July 2018, Dr. Naseef's doctor submitted a declaration stating that Dr. Naseef "has neither the physical nor mental ability to participate in giving testimony under oath in a court proceeding." (See Document 4071, referencing declaration which was filed under seal). Since that time, Dr. Naseef's family members have been informed that it is impossible for his condition to improve.

In light of the foregoing, we propose that we no longer provide status updates to the Court concerning Dr. Naseef's medical condition, as there is no possibility that his condition will ever improve. Instead, due to Dr. Naseef's medical condition as detailed herein, we propose that the Plaintiffs voluntarily dismiss Dr. Naseef from this litigation.

As noted in my email of yesterday, the deadline for the submission(s) to the Court is this Thursday, March 25, so we would appreciate your response no later than this time tomorrow.

Waleed

From: Haefele, Robert <rhaefele@motleyrice.com>

Sent: Monday, March 22, 2021 5:09 PM

To: Andrew J. Maloney <amaloney@kreindler.com>; Waleed Nassar <Waleed.Nassar@LBKMLAW.com>; Aisha Bembry <Aisha.Bembry@LBKMLAW.com>

Cc: Carter, Sean <SCarter1@cozen.com>; Tarbutton, Scott <starbutton@cozen.com>; Flowers, Jodi <jflowers@motleyrice.com>; Goldman, Jerry S. <jgoldman@andersonkill.com>; Alan Kabat <kabat@bernabeipllc.com>
Subject: RE: EXTERNAL-RE: MDL 1570 - Meeting re: March 11 Order as to Dr. Naseef

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Waleed – I am assuming that you have some proposal in mind for us to consider. If so, then rather than getting on a call and hearing you out only to then tell you that we need to discuss it on our side before meeting with you again, is there a way that you can reduce your proposal to an email that we can see and then discuss on our side before we meet and confer. Given the activity level over the next two weeks, it would help to avoid redundant meetings, if possible. Thanks.

Robert Haefele | Attorney at Law | Motley Rice LLC
28 Bridgeside Blvd. | Mt. Pleasant, SC 29464
o. 843.216.9184 | f. 843.216.9450 | rhaefele@motleyrice.com

From: Andrew J. Maloney <AMaloney@kreindler.com>
Sent: Monday, March 22, 2021 5:03 PM
To: Waleed Nassar <Waleed.Nassar@LBKMLAW.com>; Aisha Bemby <Aisha.Bembry@LBKMLAW.com>
Cc: Carter, Sean <SCarter1@cozen.com>; Tarbutton, Scott <starbutton@cozen.com>; Haefele, Robert <rhaefele@motleyrice.com>; Flowers, Jodi <jflowers@motleyrice.com>; Goldman, Jerry S. <jgoldman@andersonkill.com>; Alan Kabat <kabat@bernabeipllc.com>
Subject: EXTERNAL-RE: MDL 1570 - Meeting re: March 11 Order as to Dr. Naseef

We have the deposition of Saleh al Ash Sheikh tomorrow for most of the day.

From: Waleed Nassar <Waleed.Nassar@LBKMLAW.com>
Sent: Monday, March 22, 2021 4:30 PM
To: Aisha Bemby <Aisha.Bembry@LBKMLAW.com>
Cc: Carter, Sean <SCarter1@cozen.com> <SCarter1@cozen.com>; zScott Tarbutton <starbutton@cozen.com>; zRobert Haefele <rhaefele@motleyrice.com>; zJodi W. Flowers <jflowers@motleyrice.com>; Andrew J. Maloney <AMaloney@kreindler.com>; Goldman, Jerry S. <jgoldman@andersonkill.com>; Alan Kabat <kabat@bernabeipllc.com>
Subject: Re: MDL 1570 - Meeting re: March 11 Order as to Dr. Naseef

Counsel,

Following up on the below.

The court ordered us to meet and confer and to file an update by Thursday of this week. Please let us know what times you are available tomorrow after 11 am for a call. Thanks.

Waleed

Sent from my iPhone

On Mar 22, 2021, at 8:10 AM, Aisha Bemby <Aisha.Bembry@lbkmlaw.com> wrote:

Counsel,

Further to my email below, can you let us know if you are available for a meeting today. If today is not workable, please provide your availability tomorrow.

Thanks,
Aisha

From: Aisha Bemby
Sent: Friday, March 19, 2021 1:06 PM
To: Carter, Sean (<SCarter1@cozen.com> <scarter1@cozen.com>; Tarbutton, Scott <starbutton@cozen.com>; Haeefe, Robert <rhaefe@motleyrice.com>; Flowers, Jodi <jflowers@motleyrice.com>; Andrew J. Maloney <amaloney@kreindler.com>; Goldman, Jerry S. <jgoldman@andersonkill.com>
Cc: Waleed Nassar <Waleed.Nassar@LBKMLAW.com>; Alan Kabat <kabat@bernabeipllc.com>
Subject: MDL 1570 - Meeting re: March 11 Order as to Dr. Naseef

Counsel,

In reference to the Court's March 11 Order (attached) directing the parties to jointly submit a proposal as to the litigation with respect to Dr. Naseef, are you available for a meeting this upcoming Monday, March 22nd? We are generally available before 2 pm. Please let us know your availability and we will circulate a Zoom meeting invite.

Regards,
Aisha

Aisha E. Bemby

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This communication is confidential and may contain privileged information. If you have received this communication in error, please delete it and advise the sender by reply e-mail. Thank you.

Please note that the personnel of Lewis Baach Kaufmann Middlemiss are working remotely at this time due to the COVID-19 outbreak. Our personnel have secure remote access to our systems and software to perform essential functions so that we can continue to be responsive to clients and minimize any disruptions. You may continue to contact any of us through normal channels – telephone or email.

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